SENATE, No. 2403

[Senate, April 27, 2010 – New draft reported from the committee on <u>Ways and Means</u> for Senate, No. 2262.]



The Commonwealth of Massachusetts

IN THE YEAR OF TWO THOUSAND AND TEN

AN ACT RELATIVE TO THE SALE OF ANTIQUE BAROMETERS, THERMOMETERS AND CLOCKS.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to allow forthwith for the sale of mercury-added antique barometers, antique thermometers and antique clocks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled,

And by the authority of the same, as follows:

- SECTION 1. Section 6D of said chapter 21H, as appearing in the 2008 Official Edition,
- 2 is hereby amended by striking out subsection (c) and inserting in place thereof the following
- 3 subsection:-
- 4 (c) Subsections (a) and (b) shall not apply: (i) to the sale of mercury-added products if the
- 5 use of the product is a federal requirement; (ii) to the sale of thermometers if they are determined

- 6 to be medically necessary by a licensed physician or are ordered by prescription, or (iii) to the
- sale of mercury-added antique barometers, including antique barometers with attached mercury
- 8 thermometers, if the barometer was manufactured prior to 1955.

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- 9 **SECTION 2.** Section 6J of said chapter 21H, as so appearing, is hereby amended by adding the following subsection:-
- 11 (j) This section shall not apply to mercury-added antique barometers, antique 12 thermometers, and antique clocks if the antique barometer, thermometer or clock was 13 manufactured prior to 1955.
- SECTION 3. Section 6K of said chapter 21H, as so appearing, is hereby amended by adding the following subsection:-
 - (f) This section shall not apply to mercury-added antique barometers, antique thermometers, and antique clocks if the antique barometer, thermometer or clock was manufactured prior to 1955. A person who sells a mercury-added antique barometer, thermometer, or clock manufactured prior to 1955 shall clearly inform the purchaser, at the time of sale, in writing: (1) that the antique contains mercury; (2) that mercury is a hazardous substance; (3) that mercury is regulated by federal and state law; (4) of the proper and commercially available methods for disposal and recycling of the antique; and (5) of the proper procedures for cleaning up mercury spills if the antique is broken while in the purchaser's possession.